

REMARKS

The Office Action of February 10, 2005 has been considered by the Applicants. Claims 8-10 have been amended. Claims 1-7 and 11 have been cancelled. New claims 15-29 have been added. Claims 8-10 and 12-29 are pending. Applicants request reconsideration of the application.

I. The objections have been answered.

The Examiner objected to the disclosure because of certain misspellings and typographical errors in the specification and in claim 5. The specification has been amended to correct the three noted errors; other misspellings were also corrected. Claim 5 has been cancelled, so this objection is moot. Applicants request withdrawal of the objections.

II. The claims are definite.

Claims 8-10 were rejected under 35 U.S.C. 112, ¶ 2, as being indefinite. Applicants traverse the rejections.

Claim 8 was rejected for failing to recite the temperature ranges required in the steps having temperatures. Applicants have amended claim 8 to set an upper and lower temperature limit for each temperature recited in the claim. The sole exception is in step 8(g), which has been amended to recite that the temperature of the reaction mass should not exceed 20°C. Support for this recitation is found in the specification at page 8, lines 17-21. Applicants take the position that the phrase "the reactions mass is *allowed* to slightly increase in temperature" makes clear that the temperature of the reaction mass will not decrease below 11°C (the temperature given in step 8(f)). Applicants also believe that the words "up" and "down" make clear to one skilled in the art the temperature range claimed by each step. Claim 8 is therefore definite.

Claims 9 and 10 were rejected for conflating different methods of defining amounts. Claims 9 and 10 have been amended to recite specific methods for determining amounts in each step. Support for the amendments in 9(a) and 10(a) can be found at page 6, lines 18-22 of the specification. Support for the amendments in 9(c) and 10(c) can be found at page 7, line 7 of the specification. Support for the amendments in 9(d) and 10(d) can be found at page 7, line 14 of the specification. Support for the amendments in 9(e) and 10(e) can be found at page 7, line 17 of the specification. Support for the amendments in 9(f) and 10(f) can be found in the paragraph beginning at page 7, line 23 of the specification. Claims 9 and 10 are therefore definite.

Applicants request withdrawal of the rejections based on 35 U.S.C. 112, ¶ 2.

III. The remaining claims are not anticipated.

Claims 1-7 and 11-14 were rejected as anticipated under 35 U.S.C. 102(b) based on Brand (EP 0014032). Applicants traverse the rejections.

Claims 1-7 and 11 have been cancelled. Claims 12-14 should be interpreted as product-by-process claims. In this regard, page 10 of the specification teaches that because the reaction temperature is cycled, the crystalline structure of the resulting IPBC is able to retain less water and is therefore more pure. This clearly shows that the claimed product is different from the product of Brand. MPEP § 2113. In particular, Applicants note that Examples 1, 2, and 3 resulted in 98.7% IPBC; Brand provides no such figures.

Applicants request withdrawal of the rejections.

IV. The specification has been amended.

The specification has been amended in several locations.

The amendment to the paragraph beginning at page 7, line 1, finds support in original claims 9(b) and 10(b).

The amendment to the paragraph beginning at page 7, line 14, finds support in original claims 9(d) and 10(d).

The amendments to the paragraph beginning at page 8, line 17, find support in original claims 8(g), 9(g) and 10(g).

The amendment to the paragraph beginning at page 8, line 22, finds support in original claims 9(g) and 10(g).

The amendment to the paragraph beginning at page 9, line 2, finds support in original claims 9(h) and 10(h).

The amendment to the paragraph beginning at page 9, line 7, finds support in original claim 8(i).

The amendment to the paragraph beginning at page 9, line 10, find support in original claims 9(k) and 10(k).

The amendments to the paragraph beginning at page 9, line 14, find support in original claims 8(m), 9(l), and 10(l).

V. New claims have been added.

New claims 15-29 have been added. Support for these claims may be found in pages 6-9 of the specification and in original claims 8-10.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 8-10 and 12-29) are now in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

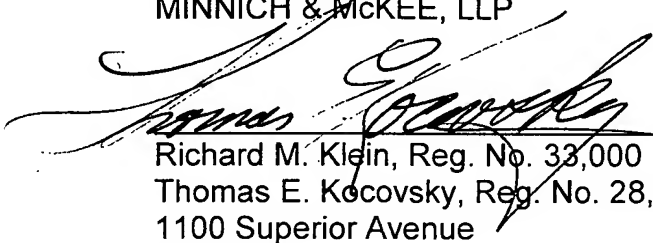
In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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July 8, 2005

Date




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Under 37 C.F.R. § 1.8, I certify that this Amendment is being

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